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CV 02-1689 #1

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 BY CLERK U.S. DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE  
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UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
 COMMISSION,

Plaintiff,

v.  
 MEDICAL MANAGEMENT INTERNATIONAL,  
 INC.,

Defendant

CIVIL ACTION NO

**CV02-1689C**

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Erin Harold and a group of similarly situated female employees ("the class"). The Equal Employment Opportunity Commission alleges that defendants subjected Ms Harold and the class to a sexually and gender-based hostile work environment. The EEOC further alleges defendant subjected Ms Harold to discipline when she complained of the harassment. Plaintiff seeks monetary and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Ms. Harold and the class.

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## **JURISDICTION AND VENUE**

1 Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343  
and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII  
of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"),  
and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2 The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Washington at Seattle

## PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendants Medical Management International, Inc has been a corporation continuously doing business in the State of Washington and has continuously had at least 15 employees.

5 At all relevant times, Medical Management International, Inc has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U S C. §§2000e-(b), (g) and (h).

## STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Erin Harold filed charges with the Commission alleging violations of Title VII by Medical Management International, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled

7. Beginning on or before December 2000, defendant engaged in unlawful employment practices at its Woodinville, Washington facility known as "Banfield, the Pet Hospital," in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendants affected the terms and conditions of Erin Harold's and the class members' employment by subjecting them to ongoing harassment based on sex. This included both gender-based and sexual conduct and

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1 comments that defendant failed to remedy, including the following the facility's chief veterinarian  
2 making routine disparaging comments about the abilities of female employees, the facility's chief  
3 veterinarian using pervasive profanity around and ridiculing the predominantly female subordinate  
4 staff, the facility's chief veterinarian making sexual comments about female anatomy and other  
5 matters. Further, defendant disciplined Ms. Harold in retaliation for her complaints of  
6 discrimination.

7        8        The effect of the practices complained of in paragraph 7 above has been to deprive  
8 Ms. Harold and the class of equal employment opportunities and otherwise adversely affect their  
9 status as employees because of their sex or because of retaliation.

10 9. The unlawful employment practices complained of in paragraph 7 above were  
11 intentional

12        10. The unlawful employment practices complained of in paragraph 7 above were done  
13 with malice or with reckless indifference to the federally protected rights of the class members.

## PRAYER FOR RELIEF

15 | Wherefore, the Commission respectfully requests that this Court:

16           A.     Grant a permanent injunction enjoining each defendant, its officers, successors,  
17 agents, assigns, and all persons in active concert or participation with it, from engaging in any  
18 employment practices which discriminate on the bases of sex and retaliation.

19 B. Order each defendant to institute and carry out policies, practices, and programs  
20 which provide equal employment opportunities for all employees, and which eradicate the effects of  
21 its past and present unlawful employment practices.

22 C. Order each defendant to make whole all class members by providing appropriate back  
23 pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief  
24 necessary to eradicate the effects of its unlawful employment practices.

25 D. Order each defendant to make whole all class members by providing compensation  
26 for past and future pecuniary losses resulting from the unlawful employment practices described in  
27 paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at

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1 trial.

2 E. Order each defendant to make whole all class members by providing compensation  
3 for past and future nonpecuniary losses resulting from the unlawful practices complained of in para-  
4 graph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life,  
5 in amounts to be determined at trial.

6 F. Order each defendant to pay all class members punitive damages for its malicious and  
7 reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

8 G. Grant such further relief as the Court deems necessary and proper in the public  
9 interest.

10 H. Award the Commission its costs of this action

11 JURY TRIAL DEMAND

12 The Commission requests a jury trial on all questions of fact raised by its complaint.

13

14 DATED this 15 day of August, 2002..

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